The issues raised by the Examiner in the Office Action are summarized and addressed below.

In the Office Action, claim 1 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter as applicants regards as the invention. This rejection is respectfully traversed and reconsideration respectfully requested.

Applicants have amended claim 1 as suggested by the Examiner by making the claim independent and including the limitations of claim 3.

Therefore, applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. §112, second paragraph has been overcome and should be withdraw.

The rejection of claim 10 under 35 U.S.C. §112, first paragraph has been rendered moot by the cancellation thereof without prejudice or disclaimer. Applicants reserve the right to file the subject matter of claim 10 in a duly filed continuation application.

<u>Conclusion</u>

Claims 1-9 are in a condition for allowance. Issuance of a Notice of Allowance

for claims 1-9 is earnestly solicited.

Respectfully submitted,

[signature: Howard M. Frankfort]

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ATTACHMENT: **MARKED-UP VERSION IN CONFORMANCE WITH**

35 C.F.R. §1.121 FOR AMENDMENT OF NOVEMBER 6, 2002

1.   (Twice Amended)   [The] <u>An</u> isolated nucleic acid molecule [of claim 3 further] comprising a

<u>nucteotide</u> sequence [that] <u>consisting of SEQ ID NO. 1 wherein the sequence</u> encodes a functional

NRIF3 nuclear hormone receptor co-activator, wherein the NRIF3 binds in a ligand dependent manner

to thyroid hormone receptor (TR) and retinoid X receptor (RXR), but does not interact with retinoic acid

receptor (RAR), vitamin D receptor (VDR), progesterone receptor (PR), glucocorticoid receptor (GR),

and estrogen receptor (ER) in a yeast two hybrid assay system or *in vitro*, or both, which polypeptide

contains an LxxIL (SEQ ID NO:2) module in its C-terminal domain.

Howard M. Frankfort
Patent Agent for Applicant